PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 4, 2012

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JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY FIFTY-FIRST SESSION DAY

Senate Chamber Des Moines, Iowa, Wednesday, April 4, 2012

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jordan Grube.

The Journal of Tuesday, April 3, 2012, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

<u>House File 2450</u>, a bill for an act prohibiting the use of automated traffic law enforcement systems, and including effective date provisions.

Read first time and referred to committee on **Transportation**.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:04 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent, and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2112, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status. (S-5171)

<u>Senate File 451</u>, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention. (S-5170)

ALSO: That the House has on April 4, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

<u>House File 2459</u>, a bill for an act relating to the assessment of moneys on sheep and wool production, and including effective date provisions.

Read first time and referred to committee on Ways and Means.

ALSO: That the House has on April 4, 2012, **passed** the following bill in which the concurrence of the House was asked:

<u>Senate File 2329</u>, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2337.

House File 2337

On motion of Senator Dotzler, <u>House File 2337</u>, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent to withdraw amendment <u>S-5084</u>, filed by the committee on Appropriations on March 13, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Dotzler offered amendment <u>S-5167</u>, filed by him on April 3, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Anderson asked and received unanimous consent that action on amendment S-5167 and House File 2337 be deferred.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 117.

Senate Resolution 117

On motion of Senator Wilhelm, <u>Senate Resolution 117</u>, a resolution urging Congress and the President of the United States to protect Iowa's Air National Guard units from additional budget cuts, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved the adoption of <u>Senate Resolution 117</u>, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bertrand, Houser, and Kapucian, until they return, on request of Senator Behn; and Senator Horn, until he returns, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

Senate File 2318

Senator Hatch called up for consideration <u>Senate File 2318</u>, a bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions, amended by the House in House amendment <u>S-5165</u>, filed April 3, 2012.

Senator Hatch moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hatch moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2318), the vote was:

Yeas, 44:

Bacon	Dearden	Hancock	Ragan
Bartz	Dix	Hatch	Rielly
Beall	Dotzler	Hogg	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Black	Ernst	Johnson	Seymour
Boettger	Feenstra	Kettering	Smith
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Greiner	Mathis	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	McKinley	Wilhelm
Danielson	Hamerlinck	Quirmbach	Zaun

Nays, 2:

Anderson Sorenson

Absent, 4:

Bertrand Horn Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS (Deferred April 3, 2012)

Senate File 2317

The Senate resumed consideration of <u>Senate File 2317</u>, a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, and amendment <u>S-5152</u>, deferred April 3, 2012.

Senator Sorenson withdrew amendment <u>S-5163</u>, filed by him on April 3, 2012, to page 1 of amendment <u>S-5152</u>.

The Senate resumed consideration of amendment <u>S-5152</u>, previously deferred.

Senator Black moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Black moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2317), the vote was:

Yeas, 45:

Anderson Dearden Hogg Seng
Bacon Dix Jochum Seymour
Bartz Dotzler Johnson Smith

Kettering Beall Dvorsky Sodders Behn Ernst Kibbie Sorenson Mathis Ward Black Feenstra McCoy Whitver Boettger Fraise Bolkcom Greiner McKinley Wilhelm Gronstal Quirmbach Bowman Zaun Chelgren Hahn Ragan Hamerlinck Courtney Rielly Hatch Schoenjahn Danielson

Nays, 1:

Hancock

Absent, 4:

Bertrand Horn Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 2316

Senator McCoy called up for consideration Senate File 2316, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, amended by the House in House amendment S-5148, filed March 28, 2012.

Senator McCoy moved that the Senate concur and vote "No" in the House amendment.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT CONSIDERED

Senate File 2311

Senator Rielly called up for consideration <u>Senate File 2311</u>, a bill for an act revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and

market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions, amended by the House in House amendment S-5164, filed April 3, 2012.

Senator Rielly moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Rielly moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2311), the vote was:

Yeas, 46:

Anderson	Dearden	Hatch	Schoenjahn
Bacon	Dix	Hogg	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kettering	Sodders
Black	Feenstra	Kibbie	Sorenson
Boettger	Fraise	Mathis	Ward
Bolkcom	Greiner	McCoy	Whitver
Bowman	Gronstal	McKinley	Wilhelm
Chelgren	Hahn	Quirmbach	Zaun
Courtney	Hamerlinck	Ragan	
Danielson	Hancock	Rielly	
N			

Nays, none.

Absent, 4:

Bertrand Horn Houser Kapucian

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that Senate Files 2311, 2316, 2317, and 2318 be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration <u>Senate File 2284</u>.

Senate File 2284

On motion of Senator Quirmbach, <u>Senate File 2284</u>, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator McKinley offered amendment <u>S-5174</u>, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

(Amendment <u>S-5174</u> and <u>Senate File 2284</u> were deferred.)

The Senate stood at ease at 2:27 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:00 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:01 p.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 4:13 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment <u>S-5174</u> and <u>Senate File 2284</u>, previously deferred.

Senator McKinley moved the adoption of amendment S-5174.

A record roll call was requested.

On the question "Shall amendment $\underline{S-5174}$ be adopted?" ($\underline{S.F.~2284}$), the vote was:

Ward Whitver Zaun

Yeas, 21:

Anderson	Dix	Johnson
Bacon	Ernst	Kettering
Bartz	Feenstra	McKinley
Behn	Greiner	Seymour
Boettger	Hahn	Smith
Chelgren	Hamerlinck	Sorenson

Nays, 25:

Beall	Dotzler	Jochum	Schoenjahn
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	Mathis	$\overline{\mathrm{Sodders}}$
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hancock	Quirmbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 4:

Bertrand Horn Houser Kapucian

Amendment S-5174 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, until she returns, on request of Senator Zaun.

Senator McKinley offered amendment $\underline{S-5175}$, filed by Senators McKinley, Chelgren, and Kettering from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment $\underline{S-5175}$ be adopted?" ($\underline{S.F.~2284}$), the vote was:

Yeas, 14:

Bacon	Feenstra	Kettering	Whitver
Behn	Greiner	McKinley	Zaun
Chelgren	Hahn	Seymour	
Ernst	Johnson	Smith	

Nays, 31:

Anderson	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Jochum	Seng
Black	Dvorsky	Kibbie	Sodders
Bolkcom	Fraise	Mathis	Sorenson
Bowman	Gronstal	McCoy	Ward
Courtney	Hamerlinck	Quirmbach	Wilhelm
Danielson	Hancock	Ragan	

Absent, 5:

Bertrand Horn Kapucian Boettger Houser

Amendment S-5175 lost.

Senator Zaun withdrew amendment $\underline{S-5178}$, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Quirmbach offered amendment $\underline{S-5166}$, filed by him on April 3, 2012, to pages 1, 2, 4–20, 22–30 and amending the title page of the bill.

Senator Quirmbach offered amendment $\underline{S-5169}$, filed by him from the floor to pages 2 and 6 of amendment $\underline{S-5166}$.

Senator Quirmbach asked and received unanimous consent that action on amendment S-5169 to amendment S-5166 be deferred.

Senator Kettering offered amendment $\underline{S-5177}$, filed by Senators Kettering and Anderson from the floor to pages 4–6 and 13 of amendment $\underline{S-5166}$, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment $\underline{S-5177}$ to amendment $\underline{S-5166}$ be adopted?" (S.F. 2284), the vote was:

Yeas, 21:

Bertrand

Iahn Iamerlinck ohnson	McKinley Seymour Smith Sorenson	Zaun
otzler Ivorsky Fraise Fronstal Iancock Iatch Logg	Jochum Kibbie Mathis McCoy Quirmbach Ragan Rielly	Schoenjahn Seng Sodders Wilhelm
r La	raise ronstal ancock atch	raise Mathis ronstal McCoy ancock Quirmbach atch Ragan

Amendment S-5177 to amendment S-5166 lost.

Boettger

Senator Quirmbach moved the adoption of amendment $\underline{S-5169}$ to amendment $\underline{S-5166}$.

Horn

Houser

Amendment $\underline{S-5169}$ to amendment $\underline{S-5166}$ was adopted by a voice vote.

Senator Quirmbach asked and received unanimous consent that action on amendment <u>S-5166</u> be deferred.

Senator Ward offered amendment <u>S-5172</u>, filed by her from the floor to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment $\underline{S-5172}$ be adopted?" ($\underline{S.F.~2284}$), the vote was:

Yeas, 22:

Anderson	Ernst	Kapucian	Sorenson
Bacon	Feenstra	Kettering	Ward
Bartz	Greiner	McKinley	Whitver
Behn	Hahn	Rielly	Zaun
Chelgren	Hamerlinck	Seymour	
Dix	Johnson	Smith	

Nays, 24:

Beall	Dearden	Hatch	Quirmbach
Black	Dotzler	Hogg	Ragan
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	Mathis	Sodders
Danielson	Hancock	McCoy	Wilhelm

Absent, 4:

Bertrand Boettger Horn Houser

Amendment S-5172 lost.

Senator Hamerlinck offered amendment $\underline{S-5180}$, filed by him from the floor to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment $\underline{S-5180}$ be adopted?" ($\underline{S.F.~2284}$), the vote was:

Yeas, 21:

Anderson	Ernst	Kapucian	Ward
Bacon	Feenstra	Kettering	Whitver
Bartz	Greiner	McKinley	Zaun
Behn	Hahn	Seymour	
Chelgren	Hamerlinck	Smith	
Dix	Johnson	Sorenson	

Nays, 25:

Beall ${\bf Dotzler}$ Schoenjahn Jochum Black Dvorsky Kibbie Seng Bolkcom Fraise Mathis Sodders Wilhelm Bowman Gronstal McCoy Courtney Hancock Quirmbach Danielson Hatch Ragan Dearden Rielly Hogg

Absent, 4:

Bertrand Boettger Horn Houser

Amendment S-5180 lost.

Senator Bowman withdrew amendment <u>S-5168</u>, filed by him from the floor to pages 7 and 8 of the bill.

Senator Kettering withdrew amendment <u>S-5173</u>, filed by him from the floor to pages 19 and 22 of the bill.

Senator Chelgren offered amendment <u>S-5176</u>, filed by him from the floor to page 31 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment <u>S-5176</u> be adopted?" (<u>S.F. 2284</u>), the vote was:

Yeas, 21:

Anderson Ward Ernst Kapucian Feenstra Kettering Whitver Bacon Bartz Greiner McKinley Zaun Hahn Behn Seymour Chelgren Hamerlinck Smith Dix Johnson Sorenson

Nays, 25:

Beall Dotzler Jochum Schoenjahn Black Dvorsky Kibbie Seng Sodders Bolkcom Fraise Mathis Wilhelm Bowman Gronstal McCoy Courtney Hancock Quirmbach Danielson Hatch Ragan Dearden Hogg Rielly

Absent, 4:

Bertrand Boettger Horn Houser

Amendment S-5176 lost.

Senator Johnson asked and received unanimous consent to withdraw amendment $\underline{S-5181}$, filed by Senators Johnson and Dearden from the floor to page 31 and amending the title page of the bill.

Senator Quirmbach moved the adoption of amendment <u>S-5166</u>, as amended.

Amendment S-5166, as amended, was adopted by a voice vote.

Senator Quirmbach asked and received unanimous consent that action on **Senate File 2284** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, until he returns, on request of Senator Zaun.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2328.

Senate File 2328

On motion of Senator Jochum, <u>Senate File 2328</u>, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions, was taken up for consideration.

Senator Jochum moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2328), the vote was:

Yeas, 44:

Anderson	Dix	Hatch	Ragan
Bacon	Dotzler	Hogg	Rielly
Bartz	Dvorsky	Jochum	Schoenjahn
Beall	Ernst	Johnson	Seng
Behn	Feenstra	Kapucian	Smith
Black	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Courtney	Hahn	McCoy	Whitver
Danielson	Hamerlinck	McKinley	Wilhelm
Dearden	Hancock	Quirmbach	Zaun

Nays, 1:

Chelgren

Absent, 5:

Bertrand Horn Seymour Boettger Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration <u>House File 2399</u>.

House File 2399

On motion of Senator Hancock, <u>House File 2399</u>, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Hancock offered amendment <u>S-5159</u>, filed by him on April 3, 2012, to pages 2 and 3 of the bill.

Senator Hancock offered amendment S-5179, filed by him from the floor to page 1 of amendment S-5159, and moved its adoption.

Amendment $\underline{S-5179}$ to amendment $\underline{S-5159}$ was adopted by a voice vote.

Senator Hancock moved the adoption of amendment $\underline{S-5159}$, as amended.

Amendment S-5159, as amended, was adopted by a voice vote.

Senator Hancock offered amendment <u>S-5160</u>, filed by him on April 3, 2012, to page 2 of the bill, and moved its adoption.

Amendment S-5160 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2399), the vote was:

Yeas, 45:

Anderson	Dix	Hogg	Schoenjahn
Bacon	Dotzler	Jochum	Seng
Bartz	Dvorsky	Johnson	Smith
Beall	Ernst	Kapucian	Sodders
Behn	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Bolkcom	Greiner	Mathis	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Nays, none.

Absent, 5:

Bertrand Horn Seymour Boettger Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that <u>Senate File 2328</u> and <u>House File 2399</u> be <u>immediately messaged</u> to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:54 p.m. until 9:00 a.m., Thursday, April 5, 2012.

APPENDIX

STUDY BILL RECEIVED

SSB 3199 Ways and Means

Relating to property taxation by modifying provisions relating to equalization orders and requiring certain equalization order notices.

SUBCOMMITTEE ASSIGNMENTS

House File 2459

WAYS AND MEANS: Seng, Chair; Bartz and Black

SSB 3199

WAYS AND MEANS: Mathis, Chair; Bolkcom and Feenstra

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 4, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

<u>Senate File 2221</u> – Requiring background checks for school bus drivers and making penalties applicable.

<u>Senate File 2249</u> – Relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements, and including effective date provisions.

Senate File 2260 - Revising the Iowa nonprofit corporation Act.

<u>Senate File 2324</u> – Making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

AMENDMENTS FILED

C F100	C E 9904	m. 1 D
S-5168	S.F. 2284	Tod Bowman
S-5169	S.F. 2284	Herman C. Quirmbach
<u>S-5170</u>	S.F. 451	House
<u>S–5171</u>	S.F. 2112	House
S-5172	S.F. 2284	Pat Ward
S-5173	S.F. 2284	Steve Kettering
S-5174	S.F. 2284	Paul McKinley
S - 5175	S.F. 2284	Paul McKinley
		Mark Chelgren
		Steve Kettering
S-5176	S.F. 2284	Mark Chelgren
S-5177	S.F. 2284	Steve Kettering
		Bill Anderson
S - 5178	S.F. 2284	Brad Zaun
S-5179	H.F. 2399	Tom Hancock
S-5180	S.F. 2284	Shawn Hamerlinck
<u>S-5181</u>	S.F. 2284	David Johnson
		Dick L. Dearden